

REMARKS

Claims 1-32 are pending. Claims 1-27, 30 and 31 are withdrawn from further consideration as being drawn to a non-elected invention, the requirement having been traversed. By this Amendment claims 28 and 32 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Examiner's interpretation of claim 29 is correct.

Claims 28 and 32 have been amended to obviate the objection.

Claims 28, 29 and 32 were rejected under 35 U.S.C. § 112, 2nd paragraph. Claims 28 and 32 have been amended to obviate the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 28, 29 and 32 were rejected under 35 U.S.C. § 102(e) over Girt (U.S. Patent 6,737,172). The rejection is respectfully traversed.

Claim 28 recites that the interlayer M1 mainly contains at least one material selected from the group consisting of Ru, Rh, Re, and Ir. Interlayer M1 is interposed between the first and second recording layers.

Claim 28 also recites that interlayer M2 is made of a material containing an alloy which consists primarily of Co. Interlayer M2 is thus a magnetic layer. Moreover, interlayer M2 is interposed between M1 and the first or second recording layer.

Claim 28 further recites that interlayer M4 mainly contain at least one material selected from the group consisting of at least Ru, Re, Rh, Ir, Tc, Au, Ag, Cu, Si, Fe, Ni, Pt, Pd, Cr, Mn, Al, a semiconductor, and a magnetic material-doped semiconductor. Interlayer M4 is interposed between M2 or M3 and the first or second magnetic layer.

Girt discloses a nonmagnetic interlayer 16 comprising a material selected from the group consisting of Ru, Re, Rh, Ir, Cr, Cu, and their alloys. See column 10, lines 15-18. The interlayer 16 of Girt is similar, but not identical, to the interlayer M1 of claim 28.

Girt also discloses that the interlayers 18_U and 18_L are magnetic interlayers interposed between a recording layer and the interlayer 16. The interlayers 18_U and 18_L are thus similar, but not identical, to the magnetic layers M2 and M3 of claim 28.

Girt does not disclose or suggest any interlayer that is similar, or identical, to interlayer M4 of claim 28. The nonmagnetic spacer layer 16 directly above layer 13₁ does not correspond to the interlayer M4 of claim 28 as alleged by the Examiner as it is interposed between layers 18_U and 18_L and not interposed between M2 or M3 and the first or second

magnetic layer, as recited in claim 28. Accordingly, Girt does not disclose or suggest the interlayers M4/M2/M1 of claim 28 and does not anticipate or render obvious the claim.

Claims 29 and 32 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 28 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 28, 29 and 32 over Girt are respectfully requested.

Claim 32 was rejected under 35 U.S.C. § 103(a) over Girt. The rejection is respectfully traversed.

With respect to the Examiner's discussion of the "nominal apparatus limitations" of claim 32, it is respectfully noted that claim 32 does not include any "nominal limitations." Claim 32 contains claimed limitations.

With respect to the Examiner's taking of Official Notice, in accordance with MPEP § 2144.03, Applicants respectfully request that the Examiner provide documentary evidence in support thereof, or withdraw the rejection.

Reconsideration and withdrawal of the rejection of claim 32 over Girt are respectfully requested.

In view of the above amendments and remarks, it is respectfully submitted that all of the claims are allowable and the entire application is in condition for allowance. Rejoinder and allowance of claims 1-27, 30 and 31 are also respectfully requested.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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